

**2013 DRAFT ZONING ARTICLE**  
(Two-thirds vote)

**AMEND ZONING BYLAW – INDUSTRIAL USES**

To see if the Town will vote to amend the Zoning Bylaw, Section 3.6 (Industrial Uses) by deleting sub-sections 3.6.1 (Warehouse), 3.6.2 (Distribution Plant) and 3.6.3 (Manufacturing) and replacing them with new subsection 3.6.1, 3.6.2, and 3.6.3 as follows:

- 3.6.1 Warehouse – A BUILDING used primarily for the enclosed storage of goods, and materials for any length of time; including receiving, repackaging, and/or reshipping; and including office, administrative, and support facilities related to the foregoing, but not a Distribution Center as defined in section 3.6.2; a personal self-storage facility or mini-warehouse.

*[Note – Section 3.6.1 currently reads:*

*Warehouse – A BUILDING for the enclosed storage of goods and materials, including office, administrative, and support facilities related to the foregoing, but not a distribution plant; a personal self-storage facility or mini-warehouse.]*

- 3.6.2 Distribution Center – An establishment with a BUILDING NET FLOOR AREA larger than 50,000 square feet used primarily for the receiving, short-term enclosed storage, repackaging, and/or reshipping or distribution of goods and materials to retail stores and other market outlets, or directly to the consumer via telephone or internet remote sales; including office, administrative, and support facilities related to the foregoing.

*[Note – Section 3.6.2 currently reads:*

*Distribution Plant - Establishment for the temporary storage of merchandise, products, or equipment and its wholesale, distribution or re-distribution to the market, usually in smaller lots, or its sale directly to the consumer via remote sales, such as sales conducted via telephone or Internet; and support services for the foregoing, such as office and laboratory.]*

- 3.6.3 Manufacturing – An establishment engaged in the creation, fabrication or assembly of products; the physical, mechanical or chemical transformation, processing, blending or assembly of materials, substances or components into products; the development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems; the outdoor processing and storage of firewood and other solid fuels subject to effective landscaping or architectural screening that reduces, to the extent feasible and reasonable, their visual impact when viewed from adjacent and nearby STREETS and properties; the research or testing of new and emerging technologies and technological devices; or similar USES and activities; including office, administrative, laboratory, warehouse, wholesale and distribution of manufactured products, and support facilities related to the foregoing; but excluding Scientific USE as defined in Section 3.6.4. All operations shall confine harmful, noxious or unpermitted smoke, fumes, dust, noise, pollution, contamination and other emissions and nuisances within the premises. No research or testing shall be conducted outside of a BUILDING, except where a special permit for such outdoor research or testing has been issued by the Board of Selectmen. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.

*[Note – Section 3.6.3 currently reads:*

*Manufacturing – A manufacturing facility, such as a printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacturing of metal products or office supplies;*

*software or hardware development or manufacturing; research or testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems; or similar USES and activities; including office, administrative, laboratory, and support facilities related to the foregoing; but excluding scientific USE as defined in Section 3.6.4. All operations shall confine disturbing smoke, fumes, dust, noise, and other emissions within the premises. No research or testing shall be conducted outside of a BUILDING. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.]*

, or take any other action relative thereto.

## SUMMARY

This article redefines three industrial uses.

**Warehouse:** Storage costs money. Industries strive for reduction or elimination of inventory. Today's industrial processes and logistics have for most part done away with the need for longer term storage. Warehouses have transformed into distribution facilities with very short product holding times. Products are brought in, repackaged into different batch sizes to meet shipping needs, and sent out as quickly as possible. The proposed revised definition acknowledges this reality, but still leaves room for the more traditional warehouse used for longer-term storage.

**Distribution Center:** Small distribution facilities appear to the outsider much like traditional warehouses or manufacturers with relatively few employees and only intermittent truck traffic, often only small box trucks and vans, UPS, or FedEx. Large Distribution Centers can generate significant large truck traffic. Acton is a very unlikely place for large distribution centers. They prefer to locate at or very near transportation nodes and interchanges, preferably with multi-modal transportation access (highway, rail, air, river, or sea). Nevertheless, Acton's zoning bylaw carries a use definition for Distribution Plant, and the Table of Principle Uses allows it by special permit in certain districts (OP-2, PM, TD). This article amends the definition of Distribution Plant to Distribution Center and to more closely track the generic and technical definitions for such a facility as an operation that is distinct from a Warehouse. Also, to further distinguish, it introduces a 50,000 square foot minimum threshold for a facility to be defined as a distribution center. Below that size, the facility is simply a Warehouse. The threshold is helpful in making sure that small distributors are not unduly classified as distribution centers and as a result pushed out most industrial districts, or subjected to special permit procedures and requirements in the few districts where Distribution Centers may be allowed.

**Manufacturing:** The current definition of manufacturing is too limiting. It provides a short list of manufacturing examples; most are derived from industries that once existed or may still exist in Acton. The definition as structured leaves little room for other types of manufacturing, such as a coffee roaster and blender, an industrial scale bakery, a specialty machine shops, a maker of gadgets and devices that are not shrouded in the glamour of high-tech or emerging technologies, a designer and manufacturer of clothing and accessories, or simply someone who cuts and splits logs for firewood. The proposed new definition begins with a much more generic and inclusive definition of Manufacturing so that the phrase "or similar USES and activities" has a broader meaning and can be applied to a wider range of manufacturing activities. The zoning bylaw has a long list of prohibited uses; many would be considered industrial or manufacturing uses. This list continues to safeguard against obnoxious, dangerous, and undesirable land uses.

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**Board of Selectmen:**

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**Planning Board:**

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